

## SURREY HEATH BOROUGH COUNCIL

Surrey Heath House  
Knoll Road  
Camberley  
Surrey  
GU15 3HD

Tuesday, 5 December 2023.

To: The Members of the Surrey Heath Borough Council

Dear Councillor,

You are hereby summoned to attend a meeting of Surrey Heath Borough Council to be held in the Council Chamber, Surrey Heath House on Wednesday, 13 December 2023 at 7.00 pm. The business which it is proposed to transact at the meeting is set out below.

**Please note that this meeting will be recorded.**

Yours sincerely

Damian Roberts

Chief Executive

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**1. Apologies for Absence**

To report apologies for absence.

**2. Minutes**

To approve as a correct record the minutes of the meeting of the Council held on 25 October 2023.

**3. Declarations of Interest**

Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting.

**4. Questions from Members of the Public**

To answer questions, if any, received under Council Procedure Rule 10 (Paragraph 3 of the Public Speaking Procedure Rules).

**5. Mayor's Announcements**

**6. Leader's Announcements**

**7. Executive, Committees and Other Bodies**

To receive the open minutes of the following bodies (minutes reproduced in the Minute Book), to answer questions (if any) in accordance with Council Procedure Rule 11.5 and to consider the recommendations as set out below:

- (a) Executive – 21 November and 5 December 2023

At its meeting on 5 December 2023 the Executive will be advised to consider the following recommendations:

**57/E Calculation and setting of the Council Tax Base for 2024/25**

**The Executive will be advised to RECOMMEND to Full Council that**

- (i) with effect from 1 April 2024 the Empty Homes Premium be set at the maximum levels allowed in the legislation where the property has been empty for 1, 5 or 10 or more years as detailed in paragraph 1.8;**
  - (ii) the Council Tax Exceptional Hardship Policy remains unchanged for 2024/25, and the fund available be set at £30,000; and**
  - (iii) the Local Council Tax Support Scheme be amended to disregard 100% of War Disablement Pensions and War Widow's Pensions in the calculation of income with effect from 1 April 2024.**
- (b) Planning Applications Committee – 26 October and 23 November 2023
- (c) Performance and Finance Scrutiny Committee – 15 November 2023
- (d) Employment Committee – 16 November 2023

**16/EC Pay Settlement 2024/25**

**RECOMMENDED to Full Council that a consolidated 4% pay award be agreed for 2024/25.**

- (e) External Partnerships Select Committee – 28 November 2023
- (f) Joint Staff Consultative Group – 27 October, 3 November and 23 November 2023

**8. Motions**

- a) Councillor Kevin Thompson to move that

“this Council

- (i) recognises the bravery and hard work of Surrey’s police officers, Police Community Support Officers (PCSOs) and staff in trying to keep our local communities safe;
- (ii) notes that despite their efforts, and Surrey residents paying the highest council tax in England for their police force, just 150 out of over 2,700 residential burglaries were solved in the year to August 2023, and there were over 6,500 vehicle crimes, representing an annual increase of over 14%;
- (iii) believes that many more crimes could be prevented in Surrey Heath with an increased community policing presence and that many of our communities have seen a drop in police visibility and presence over recent years;
- (iv) notes that the operating budget for the Office of the Police and Crime Commissioner for Surrey, including staff and running costs, is currently £1,540,000, representing an increase of more than 50% since March 2021;
- (v) further notes that, according to Home Office statistics, the number of PCSOs on Surrey’s streets reduced by more than 50% from 140 to just 68 in the two years since March 2021;
- (vi) believes that the cost of the Office of the Police and Crime Commissioner should be spent on providing frontline police services, funding the equivalent of around 60 new PCSOs;
- (vii) further believes that, regardless of the incumbent’s political allegiances, it is clear that the Police and Crime Commissioner is not a necessary role and should be abolished, with its functions transferring to Police Boards, made up of local councillors and representatives from relevant local groups; and
- (viii) calls on the Leader of the Council to write to the Home Secretary expressing this Council’s view that this needlessly political role should be abolished with the financial savings reinvested into frontline policing that would benefit Surrey Heath and all of Surrey.”

b) Councillor Josh Thorne to move that

“this Council

- (i) is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media, and other channels;
- (ii) is concerned for the welfare of those animals that are being given as

prizes;

- (iii) recognises that many cases of pets being as prizes may go unreported each year;
- (iv) supports a move to ban the giving of live animals as prizes, in any form, on Surrey Borough Council owned land.
- (v) agrees to:
  - a) ban outright the giving of live animals as prizes, in any form, on Surrey Heath Borough Council land; and
  - b) write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land.”

**9. Governance Working Group (Pages 5 - 10)**

To consider the report of the Head of Legal & Democratic Services (attached).

**10. Revised Committee Memberships 2023/24 and Appointment of a Vice-Chair of Licensing Committee (Pages 11 - 18)**

To consider the report of the Head of Legal & Democratic Services (attached).

**11. Questions from Councillors**

- (a) To deal with questions, if any, received under Council Procedure Rule 11.
- (b) The Leader to answer questions from Members in relation to the Executive functions under Council Procedure Rule 11A.

**Surrey Heath Borough Council**  
**Council**  
**13 December 2023**

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**Governance Working Group**

**Head of Service** Gavin Ramtohal – Head of Legal & Democratic Services  
**Report Author:** Rachel Whillis – Democratic Services Manager  
**Wards Affected:** n/a

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**Summary and purpose**

To note the Governance Working Group's decision in relation to not progressing the suggestion to appoint an Independent Representative on the Audit, Standards & Risk Committee and consider its recommendations concerning changes to the arrangements for making decisions using Urgent Action.

**Recommendation**

The Council is advised to RESOLVE that

- (i) the Governance Working Group's decision not to progress with introducing arrangements for appointing an Independent Representative on the Audit, Standards & Risk Committee be noted; and
- (ii) the provisions for making Urgent Action decisions at Part 3, Section B of the Constitution be updated as set out at Annex A to this report, be agreed.

**1. Background**

- 1.1 The Governance Working Group met on 24 November 2023 and has made recommendations, which are set out below.

**2. Independent Representative on the Audit, Standards and Risk Committee**

- 2.1 The Working Group discussed whether to appoint an Independent Representative on the Audit, Standards and Risk Committee, including whether that role should chair the committee. Discussions included the supporting information that would need to be determined if such a role was appointed including eligibility for the role, the recruitment and appointment process, signing up to the Code of Conduct, the term of office, performance review, eligibility for re-appointment, and a recommended approach for an allowance.

2.2 Having discussed the matter in detail, the Working Group decided not to recommend the introduction of an Independent Representative at this time. It was noted that the recent introduction of public questions at committees would provide an opportunity to inform and challenge committees, therefore meeting the aims of introducing independent oversight and scrutiny by a different method.

### **3. Urgent Action**

3.1 The Scheme of Delegation of Functions to Officers at Part 3 of the Constitution provides for *the Chief Executive, Strategic Director or Head of Service are authorised to determine matters of an urgent nature which cannot wait for the next meeting of the decision-making body which are not key decisions and which do not contravene established policies or budgets,*

3.1.1 after consultation with the Leader and Mayor in relation to Council functions;

3.1.2 after consultation with the Leader or relevant Portfolio holder and with the Chairman or Vice-Chairman of the relevant Scrutiny Committee in relation to Executive functions; and

3.1.3 after consultation with the Chairman or Vice Chairman of the relevant regulatory Committee.

3.2 The forward programmes of the decision-making bodies should be able to identify all up-coming decisions required. As a result, urgent action procedures should only need to be used in very rare circumstances, where the time limited nature of the decision precludes calling an additional meeting.

3.3 It should be noted that Urgent Action cannot be used for key decisions nor contravene established policies or budgets. In the event that a key decision, or decision outside the budget or policy framework, is required urgently, an additional meeting can be called and Urgency Procedures (set out in legislation and also in separate parts of the Constitution) can be used. In the case of a key decision, these procedures can be used to truncate the usual requirement to publish notice of the decision 28 days before the meeting.

3.4 The Working Group has reviewed these arrangements and noted historical use of this procedure. It proposes that amendments are made to the procedures to:

3.4.1 require statutory officers to countersign any decision, thus ensuring their support for the decision and use of this procedure;

3.4.2 clarify that a deputy can act in the absence of the named statutory officer; similarly the deputy Mayor or Vice-Chair or acts in the absence of the Mayor or Chair;

3.4.3 make clearer the existing provisions that Urgent Action cannot be used for key decisions nor contravene established policies or budgets; furthermore, they cannot extend an existing decision that means it could now be classified as a key decision; and

3.4.4 signpost the procedures that can be used in cases that cannot meet the requirements set for using Urgent Action.

#### **4. Proposal and Alternative Options**

4.1 It is proposed that the Council adopts the recommendation, with or without any further amendments it considers appropriate.

#### **5. Resource Implications**

5.1 There are no specific resource implications associated with the proposals in this report, although it should be noted that if the Council is minded to ask the Working Group to reconsider its decision not to introduce an Independent Representative on the Audit, Standards & Risk Committee there would be additional resource implications associated with that role.

#### **6. Section 151 Officer Comments**

6.1 Any costs can be contained within existing budgets.

#### **7. Legal and Governance Issues**

7.1 The Governance Working Group's Terms of Reference include reviewing and making recommendations to the Full Council on changes to the Constitution. Only the Full Council can make changes to the Constitution, although the Head of Legal & Democratic Services has delegated authority to make minor changes to the Constitution due to administrative error or oversight in order to give effect to the intended changes.

#### **8. Monitoring Officer Comments**

8.1 No further matters arising.

#### **9. Other Considerations and Impacts**

##### **Environment and Climate Change**

9.1 No matters arising.

##### **Equalities and Human Rights**

9.2 No matters arising.

## **Risk Management**

9.3 No matters arising.

## **Community Engagement**

9.4 No matters arising.

## **Annexes**

Annex A – Proposed changes to Urgent Action at Part 3, Section B of the Constitution.

# PART 3 – RESPONSIBILITIES FOR FUNCTIONS

## SECTION B

### SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS (extract)

#### General Principles

#### 4. Urgent Action

- 4.1 Subject to the requirements set out in paragraphs 4.2 and 4.3, the Chief Executive, Strategic Director or Head of Service are authorised to determine matters of an urgent nature which cannot wait for the next meeting of the decision-making body ~~which are not key decision and which do not contravene established policies or budgets~~,
- 4.1.1 after consultation with the Leader and Mayor, or in their absence their respective deputies, in relation to Council functions;
- 4.1.2 after consultation with the Leader or relevant Portfolio Holder and with the Chair, or in their absence Vice-Chair, of the relevant Scrutiny Committee in relation to Executive functions;
- 4.1.3 after consultation with the Chair, or in their absence Vice Chair, of the relevant regulatory Committee.
- 4.2 All decisions taken using Urgent Action must be supported by the three Statutory Officers, namely the Head of Paid Service, Chief Finance Officer and Monitoring Officer or, in their absence, their deputies.
- 4.3 Urgent Action can only be taken in respect of decisions that
- 4.3.1 are not key decisions and which do not contravene established policies or budgets;
- 4.3.2 do not request additional expenditure which, when combined with any previous decision agreed, would cumulatively breach 4.3.1;
- 4.3.3 have not been the subject of a decision taken by Urgent Action within the previous 12 months;
- 4.3.4 do not contradict or reverse a decision of any of the Council's decision making bodies.
- 4.4 All Members will be advised by email as soon as a decision has been made and that decision will also be reported to the next meeting of the appropriate decision-making body.

4.5 In the event that an urgent decision is required that cannot meet the requirements of paragraph 4.3, Urgency Procedures in relation to key decisions should follow paragraph 19 at Part 4, Section F of this Constitution and for Urgency Procedures in relation to decisions outside the budget or policy framework, paragraph 4 at Part 4, Section G of this Constitution should be followed.

**Surrey Heath Borough Council**  
**Council**  
**13 December 2023**

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**Revised Committee Memberships 2023/24 and  
Appointment of a Vice-Chair of Licensing Committee**

**Head of Service** Gavin Ramtohal – Head of Legal & Democratic Services  
**Report Author:** Rachel Whillis – Democratic Services Manager  
**Wards Affected:** n/a

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**Summary and purpose**

To report the updated memberships of the Standing Committees and Other Bodies of the Council and consider appointment of a Vice-Chair of the Licensing Committee.

**Recommendation**

The Committee is advised to RESOLVE that

- (i) the revised membership of the Standing Committees and Other Bodies of the Council be noted; and
- (ii) a Vice-Chair of the Licensing Committee be agreed.

**1. Background and Supporting Information**

- 1.1 At its meeting on 25 October 2023 the Council agreed to amend the size of the Standing Committees and other bodies of the Council. The revised nominations from group leaders that were outstanding at that meeting have been agreed by the Chief Executive by delegated authority. A full list of the revised memberships is now reported to the Council for information.
- 1.2 A vacancy for the Vice-Chair of the Licensing Committee has also arisen and nominations for this position are now sought.

**2. Proposal and Alternative Options**

- 2.1 It is proposed that the Council notes the revised committee memberships for the remainder of the 2023/24 year.
- 2.2 It is also proposed that the Council considers nominations for the vacancy for the Vice-Chair of the Licensing Committee and agrees an appointment to this position.

**3. Contribution to the Council's Five Year Strategy**

3.1 No matters arising.

**4. Resource Implications**

4.1 There are no resource implications associated with this report.

**5. Section 151 Officer Comments:**

5.1 No matters arising.

**6. Legal and Governance Issues**

6.1 The Scheme of Delegation of Functions to Officers provides for the Chief Executive to make changes to the membership of any of the Council's committees or working groups as necessary during the year in accordance with the wishes of the respective group leader. Any changes must be reported to the next meeting of the Council.

6.2 Appointments for Chairs or Vice Chairs of committees can be agreed either by the Council or the respective committee.

**7. Monitoring Officer Comments:**

7.1 No further matters arising.

**Annexes**

Annex A- revised memberships of the Standing Committees and Other Bodies of Council.

**Members of Committees and Other Bodies of the Council  
Effective 1 December 2023**

**PLANNING APPLICATIONS COMMITTEE – 11 MEMBERS**

<u>Liberal Democrats Group – 7</u>	<u>Substitutes - 3</u>
<b>Cllr Cliff Betton</b>	<b>Cllr Nirmal Kang</b>
<b>Cllr Mary Glauert</b>	<b>Cllr Ying Perrett</b>
<b>Cllr Liz Noble</b>	<b>Cllr David Whitcroft</b>
<b>Cllr David O’Mahoney</b>	
<b>Cllr Kevin Thompson</b>	
<b>Cllr Helen Whitcroft</b>	
<b>Cllr Richard Wilson</b>	
<u>Conservative Group – 2</u>	<u>Substitutes - 2</u>
<b>Cllr Shaun Garrett</b>	<b>Cllr Jonny Cope</b>
<b>Cllr Valerie White</b>	<b>Cllr Mark Gordon</b>
<u>Community Group – 1</u>	<u>Substitutes - 1</u>
<b>Cllr Victoria Wheeler</b>	<b>Cllr Pat Tedder</b>
<u>Labour Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Murray Rowlands</b>	<b>Cllr Jonathan Quin</b>

## LICENSING COMMITTEE – 11 MEMBERS

Note: In accordance with the Licensing Act 2003, Section 6(1) a licensing committee must consist of at least 10 but not more than 15 members of the authority. The Council's Procedure Rules also provide that there shall be no substitutions for the Licensing Committee when dealing with Licensing Act matters.

<u>Liberal Democrats Group – 7</u>
<b>Cllr Alan Ashbery</b>
<b>Cllr Kel Finan-Cooke</b>
<b>Cllr Julie Hoad</b>
<b>Cllr Nirmal Kang</b>
<b>Cllr Jacques Olmo</b>
<b>Cllr Ying Perrett</b>
<b>Cllr Bob Raikes</b>
<u>Conservative Group - 2</u>
<b>Cllr Mark Gordon</b>
<b>Cllr Valerie White</b>
<u>Community Group - 1</u>
<b>Cllr Pat Tedder</b>
<u>Labour Group - 1</u>
<b>Cllr Jonathan Quin</b>

**PERFORMANCE & FINANCE SCRUTINY COMMITTEE – 11 MEMBERS**

<u>Liberal Democrats Group – 7</u>	<u>Substitutes - 3</u>
<b>Cllr Nirmal Kang</b>	<b>Cllr Rob Lee</b>
<b>Cllr Sarbie Kang</b>	<b>Cllr Sashi Mylvaganam</b>
<b>Cllr Liz Noble</b>	<b>Cllr Jacques Olmo</b>
<b>Cllr David O’Mahoney</b>	
<b>Cllr Bob Raikes</b>	
<b>Cllr David Whitcroft</b>	
<b>Cllr Richard Wilson</b>	
<b>To be confirmed</b>	<u>Substitutes - 2</u>
<b>Cllr Shaun Garrett</b>	<b>Cllr Josh Thorne</b>
<b>Cllr Lewis Mears</b>	<b>Cllr Valerie White</b>
<u>Community Group – 1</u>	<u>Substitutes - 1</u>
<b>Cllr Victoria Wheeler</b>	<b>Cllr Pat Tedder</b>
<u>Labour Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Jonathan Quin</b>	<b>Cllr Murray Rowlands</b>

EXTERNAL PARTNERSHIPS SELECT COMMITTEE – 11 MEMBERS

<u>Liberal Democrats Group – 7</u>	<u>Substitutes - 3</u>
<b>Cllr Louise Ashbery</b>	<b>Cllr Sashi Mylvaganam</b>
<b>Cllr Mary Glauert</b>	<b>Cllr David O’Mahoney</b>
<b>Cllr Julie Hoad</b>	<b>Cllr Ying Perrett</b>
<b>Cllr Rob Lee</b>	
<b>Cllr Jacques Olmo</b>	
<b>Cllr Bob Raikes</b>	
<b>Cllr Kevin Thompson</b>	
<u>Conservative Group - 2</u>	<u>Substitutes - 2</u>
<b>Cllr Jonny Cope</b>	<b>Cllr Mark Gordon</b>
<b>Cllr Lewis Mears</b>	<b>Cllr Valerie White</b>
<u>Community Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Emma–Jane McGrath</b>	<b>Cllr Pat Tedder</b>
<u>Labour Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Murray Rowlands</b>	<b>Cllr Jonathan Quin</b>

**AUDIT, STANDARDS AND RISK COMMITTEE – 7 MEMBERS**

<u>Liberal Democrats Group – 5</u>	<u>Substitutes - 2</u>
<b>Cllr Cliff Betton</b>	<b>Cllr Kevin Thompson</b>
<b>Cllr Rob Lee</b>	<b>Cllr David Whitcroft</b>
<b>Cllr Leanne MacIntyre</b>	
<b>Cllr Bob Raikes</b>	
<b>Cllr Richard Wilson</b>	
<u>Conservative Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Jonny Cope</b>	<b>Cllr Josh Thorne</b>
<u>Community Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Pat Tedder</b>	<b>Cllr Victoria Wheeler</b>

**EMPLOYMENT COMMITTEE – 5 MEMBERS**

<u>Liberal Democrats Group – 4</u>	<u>Substitutes - 2</u>
<b>Cllr Alan Ashbery</b>	<b>Cllr Mary Glauert</b>
<b>Cllr Lisa Finan-Cooke</b>	<b>Cllr Julie Hoad</b>
<b>Cllr Shaun Macdonald</b>	
<b>Cllr David Whitcroft</b>	
<u>Conservative Group – 1</u>	<u>Substitutes - 1</u>
<b>Cllr Josh Thorne</b>	<b>Cllr Mark Gordon</b>

**GOVERNANCE WORKING GROUP – 7 MEMBERS**

<u>Liberal Democrats Group – 4</u>	<u>Substitutes - 2</u>
<b>Cllr Nirmal Kang</b>	<b>Cllr Mary Glauert</b>
<b>Cllr Shaun Macdonald</b>	<b>Cllr Sashi Mylvaganam</b>
<b>Cllr Morgan Rise</b>	
<b>Cllr Richard Wilson</b>	
<u>Conservative Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Shaun Garrett</b>	<b>Cllr Valerie White</b>
<u>Community Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Victoria Wheeler</b>	<b>Cllr Pat Tedder</b>
<u>Labour Group – 1</u>	<u>Substitutes - 1</u>
<b>Cllr Jonathan Quin</b>	<b>Cllr Murray Rowlands</b>

**JOINT STAFF CONSULTATIVE GROUP – 6 MEMBERS (AND 6 MEMBERS OF STAFF)**

<u>Liberal Democrats Group – 3</u>	<u>Substitutes - 1</u>
<b>Cllr Alan Ashbery</b>	<b>Cllr Ying Perrett</b>
<b>Cllr Lisa Finan-Cooke</b>	
<b>Cllr Mary Glauert</b>	
<u>Conservative Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Valerie White</b>	<b>To Be Confirmed</b>
<u>Community Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Pat Tedder</b>	<b>Cllr Victoria Wheeler</b>
<u>Labour Group - 1</u>	<u>Substitutes - 1</u>
<b>Cllr Murray Rowlands</b>	<b>Cllr Jonathan Quin</b>